

SWIDLER BERLIN SHEREFF FRIEDMAN, LLP

THE WASHINGTON HARBOUR
3000 K STREET, NW, SUITE 300
WASHINGTON, DC 20007-5116
TELEPHONE (202) 424-7500
FACSIMILE (202) 295-8478
WWW.SWIDLAW.COM

PATRICK J. DONOVAN
TELEPHONE: (202) 424-7857
FACSIMILE: (202) 424-7645
PJDONOVAN@SWIDLAW.COM

NEW YORK OFFICE
THE CHRYSLER BUILDING
405 LEXINGTON AVENUE
NEW YORK, NY 10174
TELEPHONE (212) 973-0111
FACSIMILE (212) 891-9598

October 4, 2004

VIA ELECTRONIC FILING

Marlene R. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: ***Ex Parte***, Intercarrier Compensation for ISP-Bound Traffic (CC Docket Nos. 99-68, 96-98); and Core Communications, Inc. Petition for Forbearance Under 47 U.S.C. § 160(c) from Application of the ISP Remand Order (WC Docket No. 03-171)

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, this letter provides notice of an *ex parte* meeting John Sumpter (Vice President – Regulatory, Pac-West Telecomm, Inc.) and I had with Commissioner Kathleen Q. Abernathy and Matthew Brill (Senior Legal Advisor to Commissioner Abernathy) on October 1, 2004. In addition, this letter provides notice of a follow-up telephone conference I had with Matthew Brill today. At the meeting and on the follow-up call, PacWest supported elimination of the FCC's existing growth cap and new market restriction on ISP-bound traffic and advocated classifying ISP-bound traffic as Section 251(b)(5) traffic. The positions advanced at the meeting were consistent with PacWest's written filings in these dockets.

Marlene R. Dortch
October 4, 2004
Page 2

Pursuant to the Commission's *ex parte* rules, this letter is being filed electronically in the above-referenced dockets. Please direct any questions regarding this filing to the undersigned.

Sincerely,

/s/

Patrick J. Donovan

cc: Commissioner Kathleen Q. Abernathy
Matthew Brill
John Sumpter